

Office of Administrative Hearings of Baltimore County
105 West Chesapeake Avenue Ste 103
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 91075

David & Barbara Schwartz
4 Mary Carroll St
Baltimore, MD 21208

1645 Merritt Blvd.

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE ADMINISTRATIVE LAW JUDGE

This matter came before the Administrative Law Judge on September 20, 2011 for a Hearing on a citation for violations under the Baltimore County Code (BCZR)101; 102.1; 233B; 4-408.2B; 410; illegal class II trucking facility not permitted, nor open dump and junk yard not permitted in B.M. C.T. zone on residential property.

On August 29, 2011, pursuant to § 3-6-205, Baltimore County Code, Inspector Adam Whitlock issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$ 4,000.00 (Four thousand dollars)

The following persons appeared for the Hearing and testified: Shelly Kim, Chung Kim, business tenants; Randy Sovich; Adam Whitlock, Baltimore County Code Enforcement Officer.

Testimony was presented that upon a complaint the subject property, which is a business selling and installing automobile tires, was inspected on 4/6/11, revealing large numbers of automobile tires on the ground outside the business structure, as well as filling two shipping containers. The Inspector spoke with the business tenants, who said the inside of the building was full, necessitating the use of the containers and the grounds for storage of their stock. On 4/13/11 a Correction Notice was issued for having an illegal class 2 trucking facility, the use of the containers, and allowing junkyard

conditions on the property. A re-inspection on 5/16/11 noted that some progress had been made cleaning up the tires on the ground, but the Inspector was informed that more time was needed to obtain permits and to construct an appropriate accessory building to store tires, as opposed to the illegal shipping containers. Upon re-inspection 8/29/11 a Citation as noted above was issued. A pre-hearing inspection took place on 9/20/11. At that time the tires on the ground had been moved to the containers or indoors but the shipping containers were still being used for tire storage.

Randy Sovich, an architect under contract with Mr. and Mrs. Kim, testified that he was approximately four weeks from completed drawings, was moving forward on the permit process, and hoped to have an appropriate approved accessory structure completed to replace the shipping containers within eight to nine months. Both he and Mrs. Kim acknowledged the danger of fire represented by the improperly stored tires and hoped to bring the property into compliance as soon as possible.

Having heard the testimony and evidence presented at the Hearing:

IT IS ORDERED by the Administrative Law Judge that a civil penalty lien be imposed in the amount of \$ 4,000.00 (Four thousand dollars).

IT IS FURTHER ORDERED that \$3,800 of the \$4,000 civil penalty lien be suspended and an immediate payment of \$200.00 (two hundred dollars) in civil penalty paid.

IT IS FURTHER ORDERED that \$1500.00 of the remaining \$3800.00 civil penalty lien will be imposed if appropriate permits to construct an accessory storage structure are not issued by December 20, 2011.

IT IS FURTHER ORDERED that \$2,300.00 of the remaining civil penalty lien will be imposed if construction of the accessory building (and the proper storage therein of tires, including any on the open ground) is not completed by May 15, 2012.

IT IS FURTHER ORDERED that any civil penalty suspended herein by virtue of compliance with this Order will be imposed if there is a subsequent finding against the Respondent for any of the same violations as are charged in this case.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty lien AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 23rd day of September 2011

Signed: Original signed 09/23/11
Lawrence Stahl
Managing Administrative Law Judge

NOTICE TO RESPONDENT: The Respondent is advised that pursuant to §3-6-301(a) of the Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security in the amount of the penalty assessed.

TMK/lmw